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November 21, 2003

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

**Re: *WT Docket No 99-87; Implementation of Sections 309(j) and 337 of the
Communications Act of 1934 and Promotion of Spectrum Efficient Technologies
on Certain Part 90 Frequencies***

NOTICE OF EX PARTE COMMUNICATION

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am electronically filing this notice of an oral *ex parte* communication.

Yesterday, the undersigned, on behalf of the Association of American Railroads ("AAR"), spoke with Mr. Barry Ohlson, Legal Advisor to Commissioner Adelstein, and Ms. Jennifer Manner, Senior Counsel to Commissioner Abernathy, regarding the urgent need for immediate Commission action on AAR's Request for Stay of the interim deadlines imposed by the Second Report and Order (FCC 03-34), in the above-referenced proceeding.

The first such interim deadline, which will occur on January 13, 2004, will prohibit railroad licensees from filing applications for 25 kHz facilities for expanded, modified and new stations. As explained in detail in AAR's Request for Stay filed in this proceeding on August 18, 2003, unless the Commission issues a stay, the effect of the interim deadlines will be to force the railroad industry to operate mixed-bandwidth radio systems that will have the potential to impair important safety-related communications pertaining to train movements and railroad operations.

Please contact the undersigned if there are any questions about this submission.

Respectfully submitted,



Thomas J. Keller
Attorney for Association of American Railroads

cc: Jennifer Manner, Esq.
 Barry Ohlson, Esq.